



GEORGIA STATE BOARD OF COSMETOLOGY AND BARBERS
Secretary of State
Professional Licensing Boards Division

NOTICE OF INTENT TO ADOPT PROPOSED RULES AND NOTICE OF PUBLIC HEARING

CHAPTER 240-13 SCHOOL REQUIREMENTS

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Cosmetology and Barbers (hereinafter "Board") proposes to adopt the following rules: 240-13-.01 APPLICATION FOR SCHOOL LICENSE, 240-13-.02 REQUIRED INSPECTIONS FOR SCHOOL LICENSING, 240-13-.03 LICENSED SCHOOL OPERATIONS, OWNERSHIP, OR RELOCATION, and 240-13-.04 SCHOOL AND INSTRUCTOR REQUIREMENTS FOR STUDENT RECORDS.

This notice, together with an exact copy of the synopsis of the proposed rule, is being distributed to all persons who have requested, in writing, that they be placed on the interested party notification list. A copy of this notice and a synopsis of the proposed rule may be reviewed during normal business hours (8:00 am to 5:30 pm Monday through Friday, except official State holidays) at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Board's web page at www.sos.ga.gov/plb/cosmetology. Copies may also be requested by contacting the Georgia State Board of Cosmetology and Barbers at (478) 207-2440.

Any interested party affected by the rule may present comments to the Board no later than June 20, 2016. Written comments should be addressed to Lisa Durden, Director, Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217. Comments may be submitted by fax to 1-866-888-1176.

A public hearing is scheduled to begin at 9:00 a.m. on June 27, 2016 at the Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, Georgia to provide the public an opportunity to comment upon and provide input into the proposed rule.

The Board voted to adopt this Notice of Intent at its March 7, 2016 meeting. The Board also voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §43-10-2(d), which requires the Board to regulate the practice of cosmetology and barbering in this state. Finally, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§43-1-7, 43-1-19, 43-10-1, 43-10-2, 43-10-6, 43-10-8, 43-10-11, 43-10-12, and 43-10-13 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, or owned and operated and dominant in the field of cosmetology and barbering.

The proposed rule will be considered for adoption by the Georgia State Board of Cosmetology and Barbers at its meeting scheduled to begin at 9:00 a.m. June 27, 2016 at the Professional Licensing Boards Division at 237 Coliseum Drive, Macon, Georgia 30217. According to the Department of Law, State of Georgia, the Georgia State



Board of Cosmetology and Barbers has the authority to adopt the proposed rules for Chapter 240, pursuant to authority contained in O.C.G.A. §§43-1-7, 43-1-19, 43-10-1, 43-10-2, 43-10-6, 43-10-8, 43-10-11, 43-10-12, and 43-10-13.

For further information, contact the Board office at 478-207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 27 day of May, 2016.

A handwritten signature in blue ink, appearing to read "Lisa Durden", written over a horizontal line.

Lisa Durden
Division Director
Professional Licensing Boards Division

Posted: 27 MAY 16

GEORGIA STATE BOARD OF COSMETOLOGY AND BARBERS

Secretary of State
Professional Licensing Boards Division

SYNOPSIS OF PROPOSED RULE

CHAPTER 240-13 SCHOOL REQUIREMENTS

Purpose: The passage of House Bill 314 by the Georgia General Assembly and signed into law by the Governor effective July 1, 2015 combined the former Georgia Board of Barbers and the former Georgia Board of Cosmetology into a single, combined board, the Georgia State Board of Cosmetology and Barbers. The new Board must adopt new rules for Chapter 240 prior to July 1, 2016.

240-13-.01 APPLICATION FOR SCHOOL LICENSE: This proposed rule requires schools of cosmetology, barbering, hair design, esthetics, or nail care to be licensed and establishes application requirements for the schools.

240-13-.02 REQUIRED INSPECTIONS FOR SCHOOL LICENSING: This proposed rule provides for an inspection of an applicant school prior to the issuance of a school license and also requires schools to maintain compliance with the Board's laws and rules and bars transfer of school licenses.

240-13-.03 LICENSED SCHOOL OPERATIONS, OWNERSHIP, OR RELOCATION: This proposed rule addresses school ownership, relocation, name change, and expansion and restates the definitions of schools set out in § 43-10-1(14)-(18) and the prohibition on unlicensed schools set out in §§ 43-10-8(h), 43-10-11, and 43-10-12(b). This proposed rule also requires schools to furnish the Board with copies of their policies or procedures upon request and requires a school to provide a roster of its instructors upon inspection. The proposed rule requires schools to comply with all cleansing, disinfection, and sanitation rules and instruct students on the importance of these rules and maintain a library and sets out required materials for these libraries. Schools must be properly lit and ventilated and comply with all local building and zoning rules and must provide sufficient supplies and equipment for the number of students enrolled.

240-13-.04 SCHOOL AND INSTRUCTOR REQUIREMENTS FOR STUDENT RECORDS: This proposed rule requires schools to maintain curriculum guides and lesson plans for each course and to make those guides and plans available for inspection at all times and maintain student records for at least five (5) years. The proposed rule requires schools to maintain weekly worksheets for students and make those work sheets available for inspection at all times and also requires schools to maintain progress reports with student grades and attendance available at all times for inspection. This proposed rule also requires certification of completed training to be included with an application for examination and requires schools to adhere to O.C.G.A. § 43-10-12(a)(1)(D), which requires schools to provide transcripts to students provided all tuition and fees have been paid. Also, requires schools to turn over student records to the board upon request without regard to the financial obligation of the student whose records are at issue.

Main Feature: The new proposed chapter identifies school standards, rules, and regulations as required by the Georgia State Board of Cosmetology and Barbers.

Rule 240-13-.01 Application for School License

Any person desiring a license to operate a school of barbering, cosmetology, school of hair design, school of esthetics, or school of nail care in the State of Georgia is required to make application for a license to

operate the school, using the form furnished by the Georgia State Board of Cosmetology and Barbers, and show by such application that applicant has met all the requirements of the laws and rules of the Board. When such application is properly filled out and returned to the Board, it shall be accompanied by the following:

- (a) the required application processing fee(s) which is non-refundable;
- (b) an electronic copy of the floor plan of the proposed premises drawn to approximate scale, showing the square footage required in the application, arrangement of the classrooms, locker space, separate restroom for male and female with toilet and lavatory, approximate placing of equipment, the entrances and exits, sufficient ventilation and lighting, and adequate floor space. To be adequate, restroom facilities shall have a toilet and lavatory, at least one toilet and one sink each, with properly plumbed hot and cold water and shall be equipped with toilet tissue, soap dispenser with soap or other hand cleaning material, sanitary towels or other hand-drying device such as a wall-mounted electric blow-dryer, and waste receptacle;
- (c) a notarized statement attesting that the school has all items of equipment required by laws and rules;
- (d) satisfactory evidence of proper provisions for licensed instructors to teach;
- (e) certification that each student enrolled shall be supplied with a basic kit as required by rule containing sufficient implements for the appropriate level of instruction and learning of cosmetology, hair design, master barber, barber II, esthetics, or nail technology (For specific requirements of each basic kit see rules 240-14-.01, 240-15-.01, 240-16-.01, 240-17-.01 and 240-18.01).

Authority: O.C.G.A. 43-1-7, 43-10-2, 43-10-8, 43-10-11, 43-10-12

Rule 240-13-.02 Required Inspections for School Licensing

- (1) Upon acceptance of the application a preliminary inspection of the proposed premises shall be conducted by an inspector for the Board.
- (2) A final inspection shall occur after the applicant has met all Board requirements for facility, equipment, and consumable supplies. Upon passage of the final inspection, the appropriate license shall be issued to operate a school of barbering, or a school of cosmetology, or school of hair design, or school of esthetics, or school of nail care.
- (3) The Board shall have a reasonable period of time to process any application in order to carry out an investigation for verification of any or all facts stated therein and conduct inspections.
- (4) The license will be permitted to be retained and renewed only as long as the school continues to meet all of the current laws and rules of the Georgia State Board of Cosmetology and Barbers. Such licenses are not transferable.

Authority: O.C.G.A. 43-1-19, 43-10-2, 43-10-11, 43-10-12

Rule 240-13-.03 Licensed School Operations, Ownership, or Relocation

- (1) A license to operate a school carries with it the approval of the Georgia State Board of Cosmetology and Barbers and is valid only for the owner or owners specified on the application for the school. Any request for

relocation or change in the school's name or school's owners must be submitted to the Board staff on the appropriate application and comply with statutory and regulatory provisions applicable to new schools. Any request for expansion to an address not contiguous with the current facility address must be filed as a new school application.

- (2) Any person, firm, corporation or establishment which accepts, directly or indirectly, compensation for teaching more than one person any branch of cosmetology or barbering shall be classified as a school and shall be required to comply with all the provisions of the laws and rules of the Board.
- (3) Any person, firm, corporation or establishment licensed hereunder shall, upon request or inspection, furnish to the Georgia State Board of Cosmetology and Barbers a copy of the school policies and procedures.
- (4) Upon inspection, schools shall be required to provide a roster of the name and license number(s) of all instructors. Instructors shall be required to hold the appropriate licenses to be an instructor at all times. Each school shall notify the Board in writing within ten days of any change in instructors.
- (5) Schools are required to comply with all cleansing, disinfection, and sanitation rules adopted by this Board and shall instruct the students in the importance of complying with all cleansing, disinfection, and sanitation rules of this Board.
- (6) All schools of cosmetology, hair design schools, barbering, esthetician schools and schools of nail care shall maintain a library which includes at least one each of the following: a current (updated annually) copy of the Board Rules and a current copy of State laws (O.C.G.A. 43-10 updated annually), medical dictionary, book on first aid, book on cosmetic chemistry, book on esthetics, book on nail technology, book on barbering, barber II, book of instructor training and teaching methods for cosmetology, esthetician, barbering nail technology, and hair design, at least one book on business management. The above referenced materials may be provided electronically.
- (7) All schools must be properly lighted and well ventilated. Facilities should consult with the local county or city government to meet all required building and zoning ordinances
- (8) All schools must provide the required supplies and equipment for the number of students enrolled
- (9) When, and if, the school's enrollment increases beyond its capacity of properly caring for the original fifteen (15) students as to classroom, lockers, equipment and floor space, the school shall, for the purpose of good student training, public protection and safety, enlarge such school to meet the needs of the number of students enrolled. The recommended ratio of students to instructors is 18:1 but shall not exceed more than 20 students per instructor (O.C.G.A. § 43-10-12(a)(1)(B)).
- (10) When closing a cosmetology, hair design, barbering, esthetics or nail care school, the Board shall be notified in writing of the closure and all student records and the school license shall be released to the Board no later than 30 days prior to the closure date.

Authority: O.C.G.A. 43-10-1, 43-10-2, 43-10-6, 43-10-8, 43-10-11, 43-10-12, 43-10-13

Rule 240-13-.04 School and Instructor Requirements for Student Records.

Requirements for student records and transcripts shall be as follows:

- (a) Each school shall have a curriculum guide and lesson plan used by each instructor for each course taught. Such curriculum guides and lesson plans that encompasses but not limited to the curriculum established by the

board for each modality, shall be made available to the Georgia State Board of Cosmetology and Barbers for inspection at all times.

- (b) Student attendance records, and grades shall be maintained on school premises by the school as part of the permanent record for each student for a period of five (5) years.
- (c) A weekly work sheet signed by the student and the instructor either in ink or by electronic signature shall be kept for each student indicating the number of hours of training in each subject. This work sheet shall be sub-totaled monthly and shall be subject to review by the Georgia State Board of Cosmetology and Barbers at any time.
- (d) Progress Reports on students' attendance and grades shall be current and shall be made available for inspection by the Georgia State Board of Cosmetology and Barbers at all times. Should a student withdraw for any purpose, a notarized transcript of total school hours for that student shall be signed by the school's owner or manager and submitted to the Georgia State Board of Cosmetology and Barbers within thirty (30) days of withdrawal.
- (e) Certification of completed training shall be included with the examination application.
- (f) Each school shall provide transcripts to students pursuant to O.C.G.A. § 43-10-12(D).
- (g) School hours and student records shall be submitted to the Board upon request regardless of any financial obligation the student has to the school.

Authority: O.C.G.A. 43-10-2, 43-10-6, 43-10-12, 43-10-13



GEORGIA STATE BOARD OF COSMETOLOGY AND BARBERS
Secretary of State
Professional Licensing Boards Division

RULES CHAPTER 240-13 SCHOOL REQUIREMENTS

Rule 240-13-.01 Application for School License

Any person desiring a license to operate a school of barbering, cosmetology, school of hair design, school of esthetics, or school of nail care in the State of Georgia is required to make application for a license to operate the school, using the form furnished by the Georgia State Board of Cosmetology and Barbers, and show by such application that applicant has met all the requirements of the laws and rules of the Board. When such application is properly filled out and returned to the Board, it shall be accompanied by the following:

- (a) the required application processing fee(s) which is non-refundable;
- (b) an electronic copy of the floor plan of the proposed premises drawn to approximate scale, showing the square footage required in the application, arrangement of the classrooms, locker space, separate restroom for male and female with toilet and lavatory, approximate placing of equipment, the entrances and exits, sufficient ventilation and lighting, and adequate floor space. To be adequate, restroom facilities shall have a toilet and lavatory, at least one toilet and one sink each, with properly plumbed hot and cold water and shall be equipped with toilet tissue, soap dispenser with soap or other hand cleaning material, sanitary towels or other hand-drying device such as a wall-mounted electric blow-dryer, and waste receptacle;
- (c) a notarized statement attesting that the school has all items of equipment required by laws and rules;
- (d) satisfactory evidence of proper provisions for licensed instructors to teach;
- (e) certification that each student enrolled shall be supplied with a basic kit as required by rule containing sufficient implements for the appropriate level of instruction and learning of cosmetology, hair design, master barber, barber II, esthetics, or nail technology (For specific requirements of each basic kit see rules 240-14-.01, 240-15-.01, 240-16-.01, 240-17-.01 and 240-18.01).

Authority: O.C.G.A. 43-1-7, 43-10-2, 43-10-8, 43-10-11, 43-10-12

Rule 240-13-.02 Required Inspections for School Licensing

- (1) Upon acceptance of the application a preliminary inspection of the proposed premises shall be conducted by an inspector for the Board.
- (2) A final inspection shall occur after the applicant has met all Board requirements for facility, equipment, and consumable supplies. Upon passage of the final inspection, the appropriate license shall be issued to operate a school of barbering, or a school of cosmetology, or school of hair design, or school of esthetics, or school of nail care.

- (3) The Board shall have a reasonable period of time to process any application in order to carry out an investigation for verification of any or all facts stated therein and conduct inspections.
- (4) The license will be permitted to be retained and renewed only as long as the school continues to meet all of the current laws and rules of the Georgia State Board of Cosmetology and Barbers. Such licenses are not transferable.

Authority: O.C.G.A. 43-1-19, 43-10-2, 43-10-11, 43-10-12

Rule 240-13-.03 Licensed School Operations, Ownership, or Relocation

- (1) A license to operate a school carries with it the approval of the Georgia State Board of Cosmetology and Barbers and is valid only for the owner or owners specified on the application for the school. Any request for relocation or change in the school's name or school's owners must be submitted to the Board staff on the appropriate application and comply with statutory and regulatory provisions applicable to new schools. Any request for expansion to an address not contiguous with the current facility address must be filed as a new school application.
- (2) Any person, firm, corporation or establishment which accepts, directly or indirectly, compensation for teaching more than one person any branch of cosmetology or barbering shall be classified as a school and shall be required to comply with all the provisions of the laws and rules of the Board.
- (3) Any person, firm, corporation or establishment licensed hereunder shall, upon request or inspection, furnish to the Georgia State Board of Cosmetology and Barbers a copy of the school policies and procedures.
- (4) Upon inspection, schools shall be required to provide a roster of the name and license number(s) of all instructors. Instructors shall be required to hold the appropriate licenses to be an instructor at all times. Each school shall notify the Board in writing within ten days of any change in instructors.
- (5) Schools are required to comply with all cleansing, disinfection, and sanitation rules adopted by this Board and shall instruct the students in the importance of complying with all cleansing, disinfection, and sanitation rules of this Board.
- (6) All schools of cosmetology, hair design schools, barbering, esthetician schools and schools of nail care shall maintain a library which includes at least one each of the following: a current (updated annually) copy of the Board Rules and a current copy of State laws (O.C.G.A. 43-10 updated annually), medical dictionary, book on first aid, book on cosmetic chemistry, book on esthetics, book on nail technology, book on barbering, barber II, book of instructor training and teaching methods for cosmetology, esthetician, barbering nail technology, and hair design, at least one book on business management. The above referenced materials may be provided electronically.
- (7) All schools must be properly lighted and well ventilated. Facilities should consult with the local county or city government to meet all required building and zoning ordinances
- (8) All schools must provide the required supplies and equipment for the number of students enrolled
- (9) When, and if, the school's enrollment increases beyond its capacity of properly caring for the original fifteen (15) students as to classroom, lockers, equipment and floor space, the school shall, for the purpose of good student training, public protection and safety, enlarge such school to meet the needs of the number of

students enrolled. The recommended ratio of students to instructors is 18:1 but shall not exceed more than 20 students per instructor (O.C.G.A. § 43-10-12(a)(1)(B)).

- (10) When closing a cosmetology, hair design, barbering, esthetics or nail care school, the Board shall be notified in writing of the closure and all student records and the school license shall be released to the Board no later than 30 days prior to the closure date.

Authority: O.C.G.A. 43-10-1, 43-10-2, 43-10-6, 43-10-8, 43-10-11, 43-10-12, 43-10-13

Rule 240-13-.04 School and Instructor Requirements for Student Records.

Requirements for student records and transcripts shall be as follows:

- (a) Each school shall have a curriculum guide and lesson plan used by each instructor for each course taught. Such curriculum guides and lesson plans that encompasses but not limited to the curriculum established by the board for each modality, shall be made available to the Georgia State Board of Cosmetology and Barbers for inspection at all times.
- (b) Student attendance records, and grades shall be maintained on school premises by the school as part of the permanent record for each student for a period of five (5) years.
- (c) A weekly work sheet signed by the student and the instructor either in ink or by electronic signature shall be kept for each student indicating the number of hours of training in each subject. This work sheet shall be sub-totaled monthly and shall be subject to review by the Georgia State Board of Cosmetology and Barbers at any time.
- (d) Progress Reports on students' attendance and grades shall be current and shall be made available for inspection by the Georgia State Board of Cosmetology and Barbers at all times. Should a student withdraw for any purpose, a notarized transcript of total school hours for that student shall be signed by the school's owner or manager and submitted to the Georgia State Board of Cosmetology and Barbers within thirty (30) days of withdrawal.
- (e) Certification of completed training shall be included with the examination application.
- (f) Each school shall provide transcripts to students pursuant to O.C.G.A. § 43-10-12(D).
- (g) School hours and student records shall be submitted to the Board upon request regardless of any financial obligation the student has to the school.

Authority: O.C.G.A. 43-10-2, 43-10-6, 43-10-12, 43-10-13